



## Ireland

### Country Reports on Human Rights Practices - [2001](#)

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Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. The Government consists of an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, and a directly elected president. The Government respects the constitutional provision for an independent judiciary.

The national police (Garda Siochana) are under effective civilian control and have primary responsibility for internal security. Since the police are an unarmed force, the army, which is under the effective civilian control of the Minister for Defense, acts in their support when necessary. The country's principal internal security concern has been the prevention of terrorist violence from Northern Ireland. All major paramilitary groups, on both sides of the border, have declared permanent cease-fires pursuant to the 1998 Good Friday Peace Agreement. Members of the police committed some human rights abuses.

The country has a population of 3.84 million and an open, market-based economy that is highly dependent on international trade. Over the last 2 decades it has received funds from the European Union (EU), and this assistance has helped to address socioeconomic imbalances. Strong economic growth over the past few years lowered unemployment to 3.7 percent. Per capita gross national product was \$25,667 (22,135 Irish pounds).

The Government generally respected the human rights of its citizens; however, there were a few problems in some areas. There were instances of police abuse of detainees and prisoners. Prisons were overcrowded, with substandard facilities. The use of special arrest and detention authority and the use of nonjury courts continued. Films, books, and periodicals are subject to occasional censorship, and there were reports of some self-censorship in the media. Violence and discrimination against women were problems, as was the abuse of children. Asylum seekers and Travellers (an itinerant ethnic community) faced some discrimination, and there were incidents of violence against racial minorities and immigrants.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

The trial of Colm Murphy, an Irish citizen charged in connection with the 1998 bombing in Omagh, Northern Ireland, continued at year's end.

In 1999 the Commission for the Location of Victims' Remains, a joint body made up of representatives from the Republic and Northern Ireland, began efforts to locate the remains of nine persons, termed the "disappeared," who were abducted and killed by the Irish Republican Army (IRA) in the 1970's. In 1999 the remains of three of the nine victims were recovered and returned to their families. In 2000 the commission suspended the search pending new information from the IRA. Work remained suspended during the year.

###### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were instances of police abuse of detainees and prisoners, mainly involving the use of excessive force. While the mistreatment of persons in police custody was not widespread, detainees filed a number of cases claiming damages for injuries sustained while in police custody.

As part of the Garda Síochána Human Rights Initiative for 1999-2000, the Government began recording the questioning of suspects in Garda stations, a practice designed to deter further abuse or mistreatment, which was welcomed by human rights groups such as Amnesty International.

There were frequent incidents of societal violence against racial minorities and immigrants (see Section 5).

Prison conditions generally meet international standards. The physical infrastructure of many prisons is inadequate; however, following charges that prisons were overcrowded and lack in-cell sanitation facilities such as toilets and running water, many were undergoing renovation. Prisons also lacked sufficient health care facilities and services. Cloverhill remand prison and Mountjoy women's prison (the Dochas Center) began full operations in 2000. These new facilities were designed to accommodate 1,200 prisoners and thereby help reduce overcrowding, which they have done. The country has a low incarceration rate (80 inmates per 100,000 population), and the prison regime is generally liberal. Male prisoners are held separately from female prisoners, juveniles are held separately from adults, and pretrial detainees are held separately from convicted prisoners.

Prisoners with complaints of mistreatment by prison officials or negligence of health and safety due to prison conditions have access to mechanisms for redress; however, according to the Justice Department, there were no allegations of mistreatment of prisoners by the Prison Service during the year, and there were no outstanding claims from previous years.

The authorities continued to arrest and incarcerate at Portlaoise prison persons involved in paramilitary activity. Conditions for these inmates are generally the same as those for the general prison population.

Domestic and international human rights monitors are permitted to visit prisons without restriction. The Council of Europe's Committee for the Prevention of Torture (CPT) visited prisons in 1998, and in 1999 the Government responded to the CPT's report with plans for improving conditions. In 2000 the Government published a follow-up report as requested by the CPT, noting government actions that resulted in renovations and improved conditions in prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that no person shall be deprived of personal liberty without due process under the law; however, the use of special arrest and detention authority continued. A detainee has the right to petition the High Court, which is required to order the detainee's release unless it can be shown that the person is being detained in accordance with the law. The Criminal Justice Act provides for an initial period of detention of 6 hours, with an extension of another 6 hours pursuant to the direction of a police officer of the rank of superintendent or above, in cases in which there are grounds for believing that such detention is necessary for the proper investigation of an offense. A continuation of detention for 8 hours overnight is possible, to allow a detainee to sleep.

The Offenses Against the State Act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense," i.e., one involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the State," it is not restricted to subversive offenses. As a result, the police have broad arrest and detention powers in any case involving firearms. In cases covered by this act, the initial period of detention without charge is 24 hours at the direction of a police superintendent; detention may be extended another 24 hours by a judge. However, under the terms of the Decommissioning Law the authorities may not institute proceedings against individuals for any offense committed in the course of decommissioning illegally held arms in accordance with an approved arms decommissioning scheme.

The Offenses Against the State act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State;" however, this power has not been invoked since the late 1950's. A 1998 amendment to the act allows police to detain suspects in certain crimes, usually those involving serious offenses with firearms

or explosives, for 48 hours. A 24-hour extension is possible if approved by a judge. The act also curtails the right of silence. Under the amendment, if the accused was informed of the consequences of remaining silent to questions regarding his whereabouts, associations, or actions, then the accused's silence may be used as corroborative evidence of guilt. The accused person's failure to respond to accusations of membership in an illegal organization also may be used as corroborative evidence of guilt. However, the accused may not be convicted based solely on a refusal to speak.

Membership in or leadership of an illegal organization carries a possible life sentence under the 1998 amendment to the Offenses Against the State Act; illegal organizations are defined by the act. The word of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in the commission of a serious offense carries a penalty of up to 10 years' imprisonment, a fine, or both. Withholding information that could prevent a "serious" offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years' imprisonment, a fine, or both.

The Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking; however, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

The law allows a court to refuse bail to a person charged with a serious offense where it is considered reasonably necessary to prevent the commission of another serious offense. A schedule of serious offenses is defined by law; the offense must be one that carries a penalty of 5 years' imprisonment or more.

The Constitution prohibits forced exile, and the Government does not employ it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system consists of a district court with 23 districts, a circuit court with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, an independent government official, prosecutes criminal cases. Jury trials usually are used in criminal cases, and the accused may choose an attorney. For indigent defendants, the State assumes the cost of providing counsel under the criminal legal aid scheme.

The Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." In 1972 under the law the Government created a nonjury "Special Criminal Court" (SCC) to try "scheduled offenses" (see Section 1.d.). Largely a reaction to paramilitary violence from Northern Ireland, the use of the SCC was justified over the years as necessary to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. In 2000 the SCC indicted 36 persons and held 26 trials, compared with 25 indictments and 18 trials in 1999.

In addition to scheduled offenses, the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC by certifying that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace. In lieu of a jury, the SCC always sits as a three-judge panel. Its verdicts are by majority vote. Rules of evidence are generally the same as in regular courts; however, the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. Sessions of the SCC generally are public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances. The Government continued to review the ongoing need for the SCC.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and the law prohibit such actions, and the Government generally respects these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides individuals with the right to "express freely their convictions and opinions;" however, freedom of the press is subject to the constitutional qualification that it not "undermine public order or morality or the authority of the state." The Constitution prohibits the publication or utterance of "blasphemous, seditious, or indecent matter." While on balance the press operates freely, observers believe that the Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) result in some self-censorship.

There are eight independent national newspapers and many local newspapers; three independent current affairs magazines are published, along with hundreds of special interest magazines.

Broadcasting remains mostly state controlled, but private sector broadcasting continued to grow. There are 43 independent radio stations and an independent television station. Expanded access to cable and satellite television has lessened considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter that is "likely to promote or incite to crime or which would tend to undermine the authority of the State." The act was not used during the year.

The Office of the Film Censor must classify films and videos before they can be shown or sold, and distributors pay fees to finance the censor's office. Under the Censorship of Films Act, the censor has the authority to cut or ban any film that is "indecent, obscene, or blasphemous," or which tends to "inculcate principles contrary to public morality or subversive of public morality." No theatrical films were banned during the year, but 26 videos were banned, mainly because of their pornographic or violent content, compared with 38 in 2000. Decisions of the censor can be appealed to a nine-member appeal board within 3 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions.

Books and periodicals also are subject to censorship. The Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also can examine books (but not periodicals) on its own initiative. The board can prohibit the sale of any publication that it judges to be indecent or obscene. Unlike in past years, the board did not ban any books or periodicals during the year.

In March John Gilligan was found not guilty in the 1996 murder of journalist Veronica Guerin but was found guilty of drug dealing and is serving a 28-year sentence.

Internet access is available and unrestricted. An Internet Advisory Board supervises self-regulation by Internet service providers and operates a hot line for complaints about any Irish-hosted child pornography sites the Internet.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the right to "assemble peaceably and without arms"; however, it also allows the State to "prevent or control meetings" that are calculated to breach the peace or to be a danger or nuisance to the general public. It is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization; however, the Government allows meetings and assemblies by some groups that are associated with illegal terrorist organizations.

The Constitution provides citizens with the right to form associations and unions; however, the law mandates the prosecution and incarceration of persons for mere membership in a terrorist organization. Nevertheless the Government permits some groups associated with illegal terrorist organizations to meet.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution prohibits promotion of one religion over another and discrimination on the grounds of religion or belief, and the Government does not restrict the teaching or practice of any faith.

While Roman Catholicism is the clearly dominant religion, it is not favored officially or in practice. However, adherence to Roman Catholicism may be politically advantageous because of the country's history and tradition as a predominantly Catholic country and society. Members of the major political parties (Fianna Fail and Fine Gael) tend to be practicing Catholics.

The Government does not require but does permit religious instruction in public schools. Most primary and secondary schools are denominational, and the Catholic Church partially controls their boards of management. The Government provides equal funding to the schools of different religious denominations. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights and the Government generally respects them in practice.

The Government grants refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government developed specific administrative procedures for the implementation of the convention in consultation with the U.N. High Commissioner for Refugees (UNHCR), and pursuant to a Supreme Court ruling, these procedures are binding on the Department of Justice, Equality, and Law Reform. The existing refugee law, enacted in 1996, has been implemented only partially and was under government review at year's end. The law provides for asylum procedures that are in accordance with European Union guidelines and also makes provision for invited refugees under UNHCR programs. The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees.

A large number of asylum seekers continued to cause problems and severely strained the Government's processing system and societal acceptance (see Section 5). A total of 7,569 asylum seekers entered the country during the year. A total of 12,325 applications awaited processing as of October; most applicants were from Romania and Nigeria. The Government provided first asylum in 290 cases during the year.

Measures taken to speed the lengthy processing time of applications (approximately 6 months), including the recruitment of additional staff, have had some impact. The Government improved the situation of asylum seekers awaiting review of their applications by allowing those who filed before July 26, 1999, and who have been waiting for more than 12 months, to work in Ireland. The Government established a new Garda (police) National Immigration Bureau to monitor and track nonnationals who are the subject of deportation orders. The new bureau coordinated activities leading to deportation, coordinated operational strategies and resources at ports of entry, coordinated strategies to combat trafficking in illegal immigrants, strengthened international liaison on immigration issues, administered the nonnational registration service, and generally enforced immigration law.

The law forbids, and there were no reports of, the forced return of persons to a country where they fear persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. The Parliament is bicameral; members of the Dail (House of Representatives)--the chamber that carries out the main legislative functions--are elected popularly, and in the Seanad (Senate), most members are elected by vocational and university groups, while the others are appointed by the Prime Minister. Several political parties have seats in both bodies. The President is elected popularly for a 7-year term and is limited to 2 terms. An appointed Council of State advises the President. Parliamentary elections were last held in June 1997, and Presidential elections in October 1997.

The percentage of women in government and politics does not correspond to their percentage of the population. Although the President is a woman, only 21 of the 166 deputies in the Dail and 11 of the 60 senators are female. Of the 15 government ministers, 3 are female, as are 4 of the 17 junior ministers. Two women sit on the 26-member High Court; 2 of the 8 Supreme Court judges are female.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and

responsive to their views.

A government ombudsman investigates complaints by those who believe that they have been unfairly treated by the Government or local authorities.

In 2000 as stipulated in the Good Friday Agreement, the Government established a human rights commission responsible for providing information and promoting awareness of human rights, commenting on human rights draft legislation referred to it by the Parliament, making recommendations to the Government on the adequacy and effectiveness of laws and practices, and initiating court proceedings or providing assistance to individuals doing so. However, by year's end, the commission had not begun functioning. The Good Friday Agreement also mandates equivalency with regard to protection of human rights in Northern Ireland and the Republic of Ireland.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids state promotion of one religion over another and discrimination on the grounds of religion, profession, belief, or status; however, until recently few laws implemented these provisions of the Constitution. The amended Employment Equality Act outlaws discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, religious belief, age, disability, race, and membership in the Traveller community. The 2000 Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on the basis of these nine grounds.

#### Women

Domestic violence and emotional abuse are common problems. According to the Dublin Rape Crisis Center, the overall number of reported rapes continued to rise, and during the year, there was a significant increase in the number of calls received by the center in all categories. In 2000 the center received 8,150 calls. The center estimated in 2000 that only 28 percent of rape and child sexual abuse victims reported the crime to police and that 6 percent of these cases resulted in convictions, with 44 percent of cases pending. Recent rape victims and victims raped by a stranger were more likely to have reported the rape to police.

The law criminalizes rape within marriage, and the Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. The 2000 Sex Offenders Bill provides that "separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience."

In 1999 the National Steering Committee on Violence Against Women (a multiagency government body) began a public outreach campaign to combat violence against women, which it described as a "hidden" and "severely under reported" problem. The campaign aimed to facilitate victims' reporting of domestic and other types of violence by informing women of available resources and rallying public support for victims. There are 24 women's shelters, funded in part by the Government.

The law prohibits discrimination against women in the workplace; however, inequalities persisted regarding pay and promotions in both the public and the private sectors. Women held 43 percent of public sector jobs but were underrepresented in senior management positions. A 1999 government report found that at least 50 percent of state-sponsored bodies have no guidelines for dealing with sexual harassment and no policy on equal opportunity. The law provides for protection and redress against discrimination based on gender and marital status, and the Equality Authority monitors the implementation of the law. According to 1998 statistics, women's earnings have increased more rapidly than men's since 1985, albeit from a lower starting point; however, in 2000 the earnings of women averaged 84.5 percent of those of men.

Women's participation in the workforce is hampered by the lack of adequate childcare facilities. To encourage the participation of parents, both men and women, in the workforce, the Government included in its 2000-06 national development plan an equal opportunities childcare program, under which approximately \$275 million (250 million Irish pounds) was allocated to improve childcare availability and quality.

The Maternity Protection Act provides a woman with 14 weeks of paid maternity leave and the right to return to her job. The Parental Leave Act allows a child's mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father's leave or vice versa. Parental leave does not affect a mother's right to maternity leave.

## Children

The Government is committed strongly to children's rights and welfare; it amply funds systems of public education and health care. Under the Child Care Act, education is free and compulsory for children from 6 to 15 years of age. Almost all children attend school. The Minister of State (junior minister) for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The Status of Children Act provides for equal rights for children in all legal proceedings.

The sexual abuse of children was a problem and continued to receive significant media attention. The Dublin Rape Crisis Center reported that 55 percent of calls to its crisis line involved child sexual abuse. The Child Care Act places a statutory duty on government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Child Trafficking and Pornography Act aims to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

## Persons with Disabilities

The Government Commission on the Status of People with Disabilities estimated that approximately 10 percent of the population have a disability. Under the 1998 Employment Equality Act, it is unlawful to discriminate against anyone on the basis of disability in relation to employment. Nongovernmental organizations (NGO's) claim that there is societal discrimination against persons with disabilities.

The 1991 Building Regulations Act established minimum criteria to ensure access for persons with disabilities to all public and private buildings constructed or significantly altered after 1992; however, enforcement is uneven.

A National Disability Authority, with an annual budget of \$2.6 million (2.2 million Irish pounds) has responsibility for setting disability standards, monitoring the implementation of these standards, and research and the formulation of disability policy. The authority's strategic plan, which was issued during the year, has three priorities: The development of policies to promote the equal status of persons with disabilities, influencing societal attitudes, and ensuring services for the disabled.

## National/Racial/Ethnic Minorities

Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," roughly comparable to the Roma of continental Europe. The "Travelling" community has its own history, culture, and language. Travellers face societal discrimination and regularly are denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, will not serve them. Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experienced difficulties enrolling their children in school, and at times were segregated into all-Traveller classes. According to 2000 government statistics, of 4,898 Traveller families, approximately 1,093 lived on roadsides or on temporary sites without toilets, electricity, or washing facilities. Many Travellers were dependent on social welfare for survival and were unable to participate in the mainstream economy because of discrimination and a lack of education.

The Employment Equality Act outlaws job discrimination against Travellers. A 1993 task force on the travelling community produced a comprehensive report in 1995 on various aspects of Travellers' lives, including education, work, accommodation, health, and discrimination. A monitoring committee was overseeing implementation of the recommendations of the report, some of which have resulted in the formation of special committees in the Departments of Education, Environment, and Health to examine Traveller problems in these areas.

The Housing (Traveller Accommodation) Act obliges local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. During the year, the monitoring committee issued a report with 85 recommendations; the report acknowledged that tracking the progress of improvements in the Traveller community was difficult because of a lack of data on Travellers use of education and health services. To develop better relations between Travellers and the settled community, the Government agreed to provide a Traveller Mediation Service and \$1 million (900,000 Irish pounds) over a 3-year period for awareness programs.

The growing influx of foreign workers has been accompanied by societal discrimination and racial violence.

These developments sparked public debate over the openness of society to immigrants and how to address outbreaks of xenophobic incidents of violence. During the year, a survey sponsored by an NGO found that 78 percent of respondents reported having experienced racism. Racially motivated incidents occurred frequently, involving physical violence, intimidation, and verbal slurs, and the majority of incidents of racist violence took place in public places.

## Section 6 Worker Rights

### a. The Right of Association

The law provides for the right to join--or refrain from joining --a union, and workers exercise this right. Approximately 31 percent of workers in the private and public sectors are members of unions. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general welfare. The Irish Congress of Trade Unions (ICTU) represents 64 unions in the Republic of Ireland and Northern Ireland. The ICTU is independent of the Government and political parties.

The law provides for the right to strike, and this right is exercised in both the public and private sectors; however, police and military personnel are prohibited from striking. A number of strikes occurred during the year, including strikes by train engineers, taxi drivers, and teachers. All concluded peacefully, with the unions involved achieving some, if not all, of their goals. The 1990 Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforces this provision through the Department of Enterprise, Trade, and Employment.

Unions may freely form or join federations or confederations and affiliate with international bodies, and many do so.

### b. The Right to Organize and Bargain Collectively

Labor unions have full freedom to organize and to engage in collective bargaining, and unions exercise this right in practice. Most terms and conditions of employment are determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the "social partners," i.e., unions, employers, farmers, and the Government. The latest version of these agreements, the Partnership for Prosperity and Fairness, was signed in 2000.

The Labor Relations Commission provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The Anti-Discrimination (Pay) Act and the Employment Equality Act make the Equality Authority responsible for the investigation of allegations of antiunion discrimination, which is prohibited under the law. If the authority is unable to obtain resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of antiunion discrimination, including the reinstatement of workers fired for union activities.

The export processing zone at Shannon Airport operates under the same labor laws as the rest of the country.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and for the most part, such practices were not known to have occurred. There have been reports of trafficking in women, but there were no confirmed cases (see Section 6.f.).

The law prohibits forced and bonded labor by children, and there were no reports that such practices occur.

### d. Status of Child Labor Practices and Minimum Age for Employment

Under the law, employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or



educational program, or on a part-time basis during the school year (for children over the age of 15 only). The law sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement was reportedly lax, but violations appear to be rare.

The law prohibits forced and bonded labor by children, and such practices were not known to occur (see Section 6.c.).

#### e. Acceptable Conditions of Work

During the year, a new national minimum wage, \$5.45 (4.70 Irish pounds) per hour, went into effect. This wage does not provide a decent standard of living for a worker and family; however, low-income families are entitled to benefits such as subsidized housing and children's allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours per year. The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, which provide adequate and comprehensive coverage; no significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide workers with the right to remove themselves from dangerous work situations that present a "serious, imminent and unavoidable risk" without jeopardy to their continued employment.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; a series of news articles on trafficking claimed that women have been trafficked for prostitution, but no specific cases have been confirmed by authorities.

The NGO Ruhama, which deals with prostitutes, reported the case of an Eastern European woman who was trafficked into Ireland, and forced into prostitution; however, government officials could not confirm the case. Ruhama estimated that of the 400 prostitutes they knew to be in Dublin, 134 were Eastern European women, and because illegal immigrants and asylum seekers are in a vulnerable position, they may be more subject to being forced into prostitution. The chief superintendent of the National Immigration Bureau reported that a national search of brothels found no cases of trafficked individuals.

The Child Trafficking and Pornography Act criminalized trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Bill criminalizes the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing trafficking in women for sexual criminal activities, although laws prohibit the exploitation of prostitutes, and the exploitation of prostitutes by means of coercion or fraud. Traffickers who facilitate for gain the entry of illegal immigrants or asylum seekers are liable for fines or imprisonment for terms ranging from 1 to 10 years.

The Ministry of Justice and the Ministry of Foreign Affairs were involved in antitrafficking efforts, and there are links between government officials, NGO's, and other elements of civil society on trafficking issues. A coalition of NGO's that deal in part with trafficking issues met during the year, but their efforts focused more on smuggling and asylum problems.